

REMARKS

Claims 1-22 and 33-60 are pending. Based on the following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1-13, 15-19, 21-22, 33-45, 47-51, and 53-54 stand rejected under 35 U.S.C. §102(a), as anticipated by "A Compilation-based Software Estimation Scheme for Hardware/Software Co-Simulation," 7th International Workshop on Hardware/Software Co-Design, May 3-5 (1999), authored by Marcello Lajolo, Mihai Lazarescu, and Alberto Sangiovanni-Vincentelli (the "Lojolo Publication").

Applicants respectfully submit that the Lajolo publication was derived from the inventorship entity of Luciano Lavagno, Mihai Lazarescu, Alberto Sangiovanni-Vincentelli, and Marcello Lajolo, as evidenced by the Rule 132 Declaration of Luciano Lavagno, Mihai Lazarescu, Alberto Sangiovanni-Vincentelli, and Marcello Lajolo. As such, Applicants respectfully request that the Lajolo publication be removed as a prior art reference under § 102(a). According to MPEP Section 716.10, an affidavit or declaration may be submitted to attribute a reference to the applicant such that the reference is no longer applicable. Where there is a published article identifying the authorship (MPEP Section 715.01(c)), the designation of authorship or inventorship does not raise a presumption of inventorship with respect to the subject matter disclosed in the article. MPEP Section 716.10. As such, the authorship listed in the Lajolo publication does not raise a presumption of inventorship with respect to the subject matter disclosed in the reference. Also, according to MPEP Section 716.10, an uncontradicted "unequivocal statement" from the applicant regarding the subject matter disclosed in an article will be accepted as establishing inventorship.

Applicants of the subject application hereby provide a satisfactory showing by way of affidavit under 37 CFR 1.132 that the inventorship of the application is correct in that the reference discloses subject matter derived from the applicants rather than invented by the authorship entity notwithstanding the authorship of the article.

Thus, Applicants submit that the Lajolo publication should be effectively removed as §102(a) prior art and, as such, respectfully request withdrawal of the §102 rejections and express allowance of the claims.

Claim Rejections-35 U.S.C. §103

Claims 14, 20, 46, 52 and 55-60 stand rejected under 35 U.S.C. §103, as being obvious over various combinations of the Lajolo publication, “Writing Compilers and Interpreters: an Applied Approach,” John Wiley & Sons (1991) (the “Mak Publication”), “Generation of Software Tools from Processor Descriptions for Hardware/Software Codesign,” Proceedings of the 34th Design Automation Conference, June 9-13 (1997), authored by Mark R. Hartoog, James A. Rowson, Prakash D. Reddy, Douglas D. Dunlop, Edwin A. Harcourt, and Neeti Khullar (the “Hartoog Publication”), and “Efficient Software Performance Estimation Methods for Hardware/Software Codesign,” Proceedings of the 33rd Annual Conference on Design Automation (1996), authored by Kei Suzuki and Alberto Sangiovanni-Vincentelli (the “Suzuki publication”).

In response, Applicants respectfully traverse these rejections, since the Lajolo publication should not be considered a prior art reference as discussed above, and the Mak publication, Hartoog publication, and Suzuki publication do not replace the teachings of the Lajolo publication.

Thus, Applicants believe that claims 14, 20, 46, 52, and 54-60 are not obvious over the prior art of record and, as such, respectfully request withdrawal of the §103 rejections and express allowance of the claims.

Conclusion

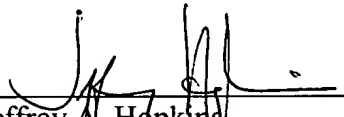
Based on the foregoing, all claims are believed allowable, and an allowance of the claims is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7012162001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number **7012162001**.

Respectfully submitted,
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